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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,543	11/09/2000	Vikram Singh	GEMS8081.027	5413
27061	7590	06/07/2006	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)			RUDY, ANDREW J	
14135 NORTH CEDARBURG ROAD			ART UNIT	
MEQUON, WI 53097			PAPER NUMBER	
			3627	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/710,543	Applicant(s) SINGH ET AL.	
	Examiner Andrew Joseph Rudy	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 30-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 30-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10 and 30-48 are pending. Applicant cancelled claims 11-29.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 and 30-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, "reviewing existing direct sales processes to ensure current policy compliance" is not clear as to what constitutes direct sales processes nor what comprises current policy compliance.

Claim 36, line 3, "considering impact of applicable regulatory regulations on electronic sales transactions" is not clear as to what constitutes applicable regulations.

Claim 40, line 5, "a list of prohibited transaction criteria" is not clear as to what constitutes such criteria.

Claim 40, lines 12, 13, "determine legal terms and conditions to associate with the medical device sale requests" is not clear as to what constitutes such criteria.

Applicant's REMARKS have been reviewed, but are not convincing. The terms are deemed nebulous and lack clarity.

Applicant's REMARKS regarding the subject matter from independent claims 1 and 40 are noted. No further clarification is required at this moment in time.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Melchione et al. US 5,930,764.

Melchione discloses, e.g. col. 13, lines 9-44, in broad scope and content Applicant's inventive concept.

Claim Rejections - 35 USC § 103

6. Claims 1-10 and 30-48, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter, US 6,427,140.

Ginter discloses an electronic transaction system, e.g. 2, 4, Figs. 1-87, screening processes, e.g. cols. 1-321, determining and implementing legal terms, e.g. VDE's and paying fees associated with the content, and posting electronic media on a global

Art Unit: 3627

communications network, e.g. posting to an electronic clearing house or bank. Ginter does not explicitly use the term direct screening process. Official Notice is taken that direct screen processes are common knowledge in the transaction art, as are the recitations of the various dependent claims, e.g. claim 2. Alternatively, it appears Ginter provides a screening process, e.g. use of regular and wide bitmap meters. To have provided a direct sales screening process for Ginter, along with common knowledge business practices within the system of Ginter, would have been obvious to one of ordinary skill in the art.

Applicant's attempt at traversing the Official Notice findings as stated in the February 28, 2006 Office Action is inadequate. Adequate traversal is a two step process. First, Applicant must state their traversal on the record. Second, and in accordance with 37 C.F.R. § 1.111(b) which requires Applicant to specifically point out the supposed errors in the Office Action, Applicant must state why the Office Action statements are not to be considered common knowledge or well known in the art.

In this application, Applicant has clearly met step (1) as traversal of Official Notice has been taken. Second, Applicant has failed step (2) since they have failed to argue why the Official Notice statements are not to be considered common knowledge or well known in the art. The standard of lack of documentary evidence is not convincing. Because Applicant's traversal is inadequate, the Official Notice taken that direct screen processes are common knowledge in the transaction art, as are the

recitations of the various dependent claims, e.g. claim 2, are deemed admitted and are taken to be admitted as prior art. See, MPEP § 2144.03.

Ginter does show a global communication network. To have executed common knowledge screening processes with the network disclosed by Ginter would have been obvious to one of ordinary skill in the art.

Applicant's REMARKS have been reviewed, but are not convincing. Applicant's inadequate traversal does not address the electronic transaction system disclosed by Ginter that incorporates the common knowledge, e.g. direct screening processes.

7. Claim s 1-10 and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. US 5,953,707.

Huang discloses, e.g. col. 13, lines 9-44, in broad scope and content Applicant's inventive concept.

The Official Notice taken from the previous Office Action is deemed admitted.

Applicant's attempt at traversing the Official Notice findings as stated in the February 28, 2006 Office Action is inadequate. Adequate traversal is a two step process. First, Applicant must state their traversal on the record. Second, and in accordance with 37 C.F.R. § 1.111(b) which requires Applicant to specifically point out the supposed errors in the Office Action, Applicant must state why the Office Action statements are not to be considered common knowledge or well known in the art.

In this application, Applicant has clearly met step (1) as traversal of Official Notice has been taken. Second, Applicant has failed step (2) since they have failed to argue why the Official Notice statements are not to be considered common knowledge or well known in the art. The standard of lack of documentary evidence is not convincing. Because Applicant's traversal is inadequate, the Official Notice taken that direct screen processes are common knowledge in the transaction art, as are the recitations of the various dependent claims, e.g. claim 2, are deemed admitted and are taken to be admitted as prior art. See, MPEP § 2144.03.

To have the global communications network of Huang to have processed and incorporated the common knowledge deemed admitted by Applicant would have been obvious to one of ordinary skill in the art. The motivation for having done such would have been to use a well known computer network to process common knowledge screening processes.

8. Further references of interest are noted on the attached PTO-892, e.g. US 6,871,140 – Fig. 18; US 5,968,175 – nineteenth embodiment.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Andrew Joseph Rudy". The signature is stylized with a large, looped "R" and a cursive "y".

Andrew Joseph Rudy
Primary Examiner
Art Unit 3627